

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

NORTHERN PLAINS RESOURCE
COUNCIL, et al,

Plaintiffs.

U.S. ARMY CORPS OF
ENGINEERS and LIEUTENANT
GENERAL TODD T. SEMONITE (in
his official capacity as U.S. Army
Chief of Engineers and Commanding
General of the U.S. Army Corps of
Engineers,

Defendants,

TC ENERGY CORPORATION and
TRANSCANADA KEYSTONE
PIPELINE LP,

Defendant-Intervenors,

STATE OF MONTANA,

Defendant-Intervenor

CV-19-44-GF-BMM

ORDER

This matter is at issue and so is eligible for a preliminary pretrial conference under Rule 16(a) of the Federal Rules of Civil Procedure and Local

Rules 16.1. Accordingly,

IT IS ORDERED:

(1) Parties shall appear before the undersigned by **TELEPHONE** on **November 20, 2019 at 1:30 p.m.**, for the purpose of participating in a preliminary pretrial conference (“conference”). **The Court will contact the parties with the call-in number.**

(1) Any party may commence discovery immediately upon providing the Rule 26(a)(1) Initial Disclosure to all opposing parties. Fed. R. Civ. P. 26(d).

(a) If it is impossible for a party to attend the conference at the time set, application for an extension must be made by motion. The motion must state whether opposing party objects. The motion also must be accompanied by a proposed order resetting the conference. Requests to change the conference date will be granted for good cause shown.

(2) The conference is intended to develop a case-specific plan for discovery and a schedule for disposition of the case. Parties should prepare to take part in meaningful discussions of material contained in the pretrial statements. Each party to the case must be represented at the conference by at least one person with authority to enter stipulations. The case management plan, including trial date resulting from the conference, will not be subject to revisions absent compelling reasons.

(3) On or before ***October 30, 2019***, parties shall meet and confer to consider matters listed in Fed. R. Civ. P. 26(f).

(4) On or before ***November 13, 2019***, the parties shall jointly file with the Court a written report outlining the discovery plan formulated at the conference. The discovery plan will require disclosure of all experts and shall address whether expert disclosures will be made simultaneously or sequentially. Expert disclosures must comply with Fed. R. Civ. P. 26(a)(2)(B). As part of the discovery plan parties shall seek to identify and should be prepared to discuss in detail any electronic discovery stipulations or issues which may arise and a plan for electronic discovery. Fed R. Civ. P. 26(f)(3). In that regard the parties may find it useful to consider potential issues regarding electronic discovery such as those outlined in the Delaware Default Standard for Discovery of Electronically Stored Information (“E-Discovery”) found at <http://www.ded.uscourts.gov/sites/default/files/Chambers/SLR/Misc/EDiscov.pdf>

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(5) On or before ***November 13, 2019***, parties shall file a preliminary pretrial statement. See Fed. R. Civ. P. 26(a)(1). The statement shall address all matters listed in Federal Rule 26(a)(1) and all matters listed in Local Rules 16.2(b)(1), and 26.1.

(6) On or before ***November 13, 2019***, parties shall file a Statement of Stipulated Facts. See Local Rule 16.2(b)(3).

DATED this 10th day of October, 2019.



Brian Morris
United States District Court Judge